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DIRECT DIAL:

October 25, 1983

RECEIVED
OCT 28 1983
OFFICE OF THE CLERK
SUPREME COURT, U.S.

Alexander L. Stevas, Clerk
Office of the Clerk
Supreme Court of the United States
Washington, D.C. 20543

Re: Edward Fields vs. Donald W. Wyrick,
No. 83-5106

Dear Mr. Stevas:

On September 27, 1983, I received a letter from you indicating that the Court requested that I file a response to Fields' petition for writ of certiorari in the above-referenced case. In this regard I have perused the petition which requests that a writ of certiorari be issued to the Eighth Circuit to review its opinion, written by Judge Ross; I have also reviewed the Eighth Circuit opinion thoroughly.

The issues presented by Fields in his petition are substantially identical to those raised in the Eighth Circuit, and which were discussed at length and found wanting by the Eighth Circuit. I believe that the petition of Fields does not raise substantive legal issues, but rather disputes the factual conclusions made by the Eighth Circuit. I believe the Eighth Circuit opinion to be quintessentially clear, cogent, legally correct, and fully substantiated by the record.

In attempting to prepare the response requested by the Court in this case I continually found myself referring to the Eighth Circuit opinion written by Judge Ross. As I looked over my response to the petition of Fields, I found that it remarkably resembled the opinion of the Eighth Circuit at issue here. Consequently, I do not believe that I can add anything of substance to what the Eighth Circuit, by Judge Ross, has stated in this matter; therefore, I respectfully request that the Court review the petition of Fields based on the documents

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presently before it. I understand that the Court has requested a response from me, and I do not come to my conclusion lightly that I have little if anything to add in support of the opinion of the Eighth Circuit; however, the circumstances of the instant case indicate to me that the Eighth Circuit opinion is so well written and legally supported that it can stand on its own merits.

I hope I have not misconstrued or misinterpreted your letter anent the instant case, and I further hope that this letter may be construed as my response to the petition of Fields, wherein I rely on the Eighth Circuit opinon to establish why the petition ought to be denied.

Sincerely,

JOHN ASHCROFT
Attorney General

Michael H. Finkelstein

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MHF:sw
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